

Message

From: Vazquez, Julio [Vazquez.Julio@epa.gov]
Sent: 3/24/2016 9:26:12 PM
To: Craig, Harry [Craig.Harry@epa.gov]; Shuster, Kenneth [Shuster.Kenneth@epa.gov]; Maddox, Doug [Maddox.Doug@epa.gov]
Subject: FW: OD Grounds FS response to comments
Attachments: 9-8.pdf

FYI.

Julio F Vazquez

Remedial Project Manager
USEPA Region 2
Special Projects Branch
New York



United States Environmental Protection Agency

From: Vazquez, Julio
Sent: Thursday, March 24, 2016 5:24 PM
To: 'Swartwout, John (DEC)' <john.swartwout@dec.ny.gov>
Cc: Battaglia, Randy W NAN02 <Randy.W.Battaglia@usace.army.mil>; Sweet, Melissa L (DEC) <melissa.sweet@dec.ny.gov>
Subject: RE: OD Grounds FS response to comments

John,

Thank you so much for following up. I found Part 373-2.24(d) at the following link, and the post-closure care requirements under 373-2.24(b) seems quite comprehensive. This is what I meant by "landfill" requirements. What I am asking is for the engineered cap proposal to include all those elements.

There are two additional areas that I am still unclear:

1. The clearance of the 1000'-2000' radius area (part of the kick-out area). This area was not addressed by any of the proposed remedies, but there is evidence of it being impacted by past OD operations. Even though Randy is trying to get this clearance effort funded under a contract modification, I am still unclear why this was not addressed by any of the proposed remedies.
2. The alternative 3 estimate is still an issue. According to the 2004 OE EE/CA, Parsons 2004, clearance of the entire OD Grounds to depth (see attached figure) was a bit over \$5M (see table below). Note that the total capital cost for alternative 2 is \$8.0M (Geophysical Mapping, Intrusive Investigation, Capping, and LUCs). The TPV (30-year present worth) cost of this alternative is estimated to be \$8.9M (current FS Report, February 2015).

TABLE 8.24
SEAD-45 (OPEN DETONATION AREA)
COST COMPARISON

Alternative	Effectiveness	Implementability	Cost
Institutional Controls	3	4	\$1,070,539 ¹
Clearance to 6"	2	3	\$2,682,705
Clearance to Depth	1	2	\$5,078,536
Clearance of OE to Depth by means of Mechanical Sorting	1	1	\$23,007,064

Note: Ranking from best to worst; best=1, worst=4

¹Institutional controls alternative is combined with SEAD-57.

[https://govt.westlaw.com/nycrr/Document/l4ead1219cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/l4ead1219cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

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-----Original Message-----

From: Swartwout, John (DEC) [<mailto:john.swartwout@dec.ny.gov>]
Sent: Thursday, March 24, 2016 3:30 PM
To: Vazquez, Julio <Vazquez.Julio@epa.gov>
Cc: Battaglia, Randy W NAN02 <Randy.W.Battaglia@usace.army.mil>; Sweet, Melissa L (DEC) <melissa.sweet@dec.ny.gov>
Subject: FW: OD Grounds FS response to comments

Julio-

Here is what Dan Evans provided in response to your RCRA-related questions. In this case the Federal agreement mentioned by Dan would be the Federal Facility Agreement signed by the Army, EPA, and the State of New York in January 1993.

John

-----Original Message-----

From: Evans, Daniel (DEC)
Sent: Thursday, March 24, 2016 2:31 PM
To: Swartwout, John (DEC)
Cc: Sweet, Melissa L (DEC)
Subject: RE: OD Grounds FS response to comments

First, I'll address the LDR issue. As I understand it, as long as the contaminated media remains within the original area of contamination, it is not considered active waste management and LDRs are not triggered. There is EPA guidance on this policy as well as a former (now expired) DEC TAGM that speaks to this issue.

Regarding closure. Since the remaining materials are contaminated to the extent that construction of an engineered cap is required to be protective of human health and the environment, this would not be considered clean closure. RCRA regulations do contemplate closure with waste in place. Closure with waste in place would require post-closure care (Part 373-2.24(d)). Post closure under RCRA would normally be required under a RCRA permit, however, these requirements are often enforced through an order on consent or other enforceable document. In this case, I would assume that the Federal agreement in place to perform the work being done under CERCLA would be sufficient.

Dan

-----Original Message-----

From: Swartwout, John (DEC)
Sent: Thursday, March 24, 2016 10:27 AM
To: Evans, Daniel (DEC)
Subject: FW: OD Grounds FS response to comments

Dan-

Please provide assistance on this RCRA issue so I can respond appropriately to EPA. My note below that EPA is responding to was based on some brief conversations I had with Henry and Steve M., plus the statement in the UIS indicating that this Open Detonation Grounds was regulated under Subpart X of RCRA.

John

-----Original Message-----

From: Vazquez, Julio [<mailto:Vazquez.Julio@epa.gov>]
Sent: Thursday, March 24, 2016 10:22 AM
To: Swartwout, John (DEC); Battaglia, Randy W NAN02
Cc: Sweet, Melissa L (DEC); Doss, Amy L HNC; Badik, Beth; Sergott, Mark S (HEALTH); Harrington, Jim (DEC); Pocze, Doug
Subject: RE: OD Grounds FS response to comments

John, thank you for the clarification.

I am having difficulty visualizing how a munitions site would meet clean closure requirements under RCRA Subpart X. Another difficulty I have with the engineered cap alternative is the presence of explosives or propellants that exhibit hazardous waste characteristic of reactivity from UXOs.

Julio F Vazquez
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-----Original Message-----

From: Swartwout, John (DEC) [<mailto:john.swartwout@dec.ny.gov>]
Sent: Wednesday, March 23, 2016 3:36 PM
To: Vazquez, Julio <Vazquez.Julio@epa.gov>; Battaglia, Randy W NAN02 <Randy.W.Battaglia@usace.army.mil>

Cc: Sweet, Melissa L (DEC) <melissa.sweet@dec.ny.gov>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth <Beth.Badik@parsons.com>; Sergott, Mark S (HEALTH) <mark.sergott@health.ny.gov>; Harrington, Jim (DEC) <jim.harrington@dec.ny.gov>
Subject: RE: OD Grounds FS response to comments

I agree with Randy that placing an engineered cap on the Open Detonation Grounds would not make it a landfill and that the LDRs do not apply. This would be post-closure management of a unit which was regulated under Subpart X of RCRA.

John Swartwout
NYSDEC

-----Original Message-----

From: Vazquez, Julio [<mailto:Vazquez.Julio@epa.gov>]
Sent: Wednesday, March 23, 2016 10:58 AM
To: Battaglia, Randy W NAN02
Cc: Swartwout, John (DEC); Sweet, Melissa L (DEC); Doss, Amy L HNC; Badik, Beth; Sergott, Mark S (HEALTH)
Subject: RE: OD Grounds FS response to comments

Randy,

I am not a RCRA expert, but according to my understanding, if you are disposing of solids and/or hazardous wastes, either in or outside the Site boundary, RCRA substantive requirements (State and Federal) apply. Some of those requirements include groundwater monitoring, especially if some of the soils failed leachate tests. If groundwater monitoring of the "landfill" can be done with existing wells, then installation of additional wells may not be needed. But you would need to present that information for evaluation.

I don't know which letter you are referring to, but my position is that I do not have enough information to properly evaluate the alternatives. The capping alternative does not include all the required elements for the establishment of a landfill, and the excavation alternative estimates are not realistic (better definition of nature and extent of contamination is needed).

Let me know if you still want the informal consultation.

Julio F Vazquez
Remedial Project Manager
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-----Original Message-----

From: Battaglia, Randy W NAN02 [<mailto:Randy.W.Battaglia@usace.army.mil>]
Sent: Wednesday, March 23, 2016 9:54 AM
To: Vazquez, Julio <Vazquez.Julio@epa.gov>
Cc: Swartwout, John (DEC) <john.swartwout@dec.ny.gov>; Melissa Sweet (Melissa.Sweet@dec.ny.gov) <Melissa.Sweet@dec.ny.gov>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth <Beth.Badik@parsons.com>; Sergott, Mark S (HEALTH) <mark.sergott@health.ny.gov>
Subject: RE: OD Grounds FS response to comments

Julio,
I request informal consultation for your second response, below, (Evaluation of the Response to GC 1f).

I am surprised that groundwater is now a concern. Do you want new wells installed now, or saying LTM will be required at the wells currently at the site? Continued LTM of existing wells is not an issue or problem.

I don't agree that a CERCLA remediation that includes an engineered cap is a landfill. Soil, and contaminated soil, is not a waste unless a decision is made to transport and dispose of it off site as a waste. LDRs do not apply. The landfill standards, such as NYSCRR Part 360, are the standards of construction as well as ARARs.

Your comment letter specifically noted EPA does not concur with the cap. EPA's concurrence is required for any final remedial action decisions as well as the FOST.

A related matter, I have discussed your technology application, and it may be very effective for the overall site.

Randy
Randy Battaglia, PMP
Project Manager
Seneca AD BRAC Environmental Coordinator/Caretaker New York District CENAN-PP-E
607-869-1523 (desk)

-----Original Message-----

From: Vazquez, Julio [<mailto:Vazquez.Julio@epa.gov>]
Sent: Tuesday, March 22, 2016 9:40 AM
To: Battaglia, Randy W NAN02 <Randy.W.Battaglia@usace.army.mil>
Cc: Swartwout, John (DEC) <john.swartwout@dec.ny.gov>; Melissa Sweet (Melissa.Sweet@dec.ny.gov) <Melissa.Sweet@dec.ny.gov>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth <Beth.Badik@parsons.com>; Sergott, Mark S (HEALTH) <mark.sergott@health.ny.gov>
Subject: [EXTERNAL] RE: OD Grounds FS response to comments

Randy,

Please find below our remaining comments on the subject draft response. Let me know if you have any questions.

Evaluation of the Response to General Comment (GC) 1e: The response does not address the comment. The response indicates that the drainage pathways will be removed from figures and defines the drainage pathways as ephemeral. The response also states that there is no active sediment deposition within Reeder Creek and yearly inspections of the creek are performed as part of the Open Burning (OB) Grounds long-term monitoring (LTM). Since the historical drainage pathways will not be further characterized and contaminated soils will be disposed in a landfill within the Open Detonation (OD) Grounds, LTM of the surface water and sediment within Reeder Creek will be required as part of the OD Grounds remedy. Revise the Final Feasibility Study Report, Munitions Response Action at Open Detonation Grounds (the FS) to include the requirement for LTM of the surface water and sediment within Reeder Creek.

Evaluation of the Response to GC 1f: The response does not address the comment. The response provides additional explanation for why the OB Grounds can be used as an analogue for the current groundwater conditions of the OD Grounds. Since the original response indicates that numerous metals were detected in both the OD and OB Grounds groundwater sampling and contaminated soils will be disposed in a landfill within the OD Grounds, LTM of the groundwater will be required as part of the remedy. Revise the FS to include the requirement for LTM of groundwater associated with the OD Grounds landfill.

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New York

-----Original Message-----

From: Battaglia, Randy W NAN02 [<mailto:Randy.W.Battaglia@usace.army.mil>]

Sent: Wednesday, February 24, 2016 8:03 AM

To: Vazquez, Julio <Vazquez.Julio@epa.gov>

Cc: Swartwout, John (DEC) <john.swartwout@dec.ny.gov>; Melissa Sweet (Melissa.Sweet@dec.ny.gov)

<Melissa.Sweet@dec.ny.gov>; Doss, Amy L HNC <Amy.L.Doss@usace.army.mil>; Badik, Beth

<Beth.Badik@parsons.com>; Sergott, Mark S (HEALTH) <mark.sergott@health.ny.gov>

Subject: OD Grounds FS response to comments

Julio,

Attached is a draft response to the last round of comments that were not accepted by EPA.

Unless the response is acceptable to EPA as is, there are several topics that we should discuss to ensure we address your comments and concerns appropriately.

Upon acceptance we can move ahead with the revisions to the FS.

Thanks

Randy

Randy Battaglia, PMP

Project Manager

Seneca AD BRAC Environmental Coordinator/Caretaker New York District CENAN-PP-E

607-869-1523 (desk)